

**Appln No. 10/814,926**  
**Amdt date January 24, 2007**  
**Reply to Office action of August 24, 2006**

### **REMARKS/ARGUMENTS**

Initially, Applicant wants to thank the Examiner for his courtesy in taking the time to discuss this application at an interview on November 22, 2006. Although no agreement was reached, Applicant believes the interview provided a helpful forum for discussion of the cited prior art and proposed amendments to claim 35.

Applicant responds to each of the Examiner's points raised in the August 24, 2006 Office action as follows:

#### **Claims**

Claim 55 has been cancelled. Claims 35, 54, 60 and 63 are amended herein. Each of claims 47-49 and 56 is amended herein to correct a minor clerical error, i.e. to depend from claim 35 rather than from previously cancelled claim 34. Claims 65 and 66 have been added.

Both the amendments to the claims listed above and the added new claims are of a nature that would not require any additional search. As such, Applicant respectfully requests that the amendments to claims 35, 47-49, 54, 56, 60 and 63 and new claims 65 and 66 be entered.

#### **Claim Rejections Under 35 U.S.C. §102**

The Examiner rejected claims 35-64 as being anticipated by Hearn (U.S. Pub. No. 2002/0143336) and claims 35, 57 and 58 as being anticipated by Lin. Applicant respectfully traverses these rejections.

At least for the reasons explained in the Amendment of June 7, 2006, it is believed that the above claims are not anticipated by the cited references. Nevertheless, Applicant has amended several of the claims to expedite allowance of the application. For example, as amended herein, claim 35 is directed to "[a]n implant for the treatment of bone fractures, the implant comprising a main plate element . . . and a plate-shaped outrigger element . . . wherein, in an assembled state of the implant, the plate-shaped outrigger element is arranged offset from

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the main plate . . ." Amended claim 35 further recites that "the main plate has at least one passage through which the connection element is guidable . . . [and that] the at least one passage extends substantially parallel to the plane defined by the main plate." As amended herein, claim 63 is an independent claim directed to an implant system, the claim containing substantially similar language to amended claim 35.

Hearn is directed to a sternum fixation device. As shown in FIG. 2, the first and second joining portions 30, 32 overlap as well as inter-digitate, thus fixing the plates together such that they do not rotate with respect to one another. Hearn, para. 33. Accordingly, as noted in the interview, Hearn does not teach an implant for the treatment of bone fractures, wherein, in an assembled state of the implant, an outrigger plate element is arranged offset from a main plate. Rather, Hearn teaches two plates assembled to be connected adjacent to each other.

Lin is directed to an artificial acetabular joint replacing device including an acetabular joint replacing body 10 and a fastening piece 40. The cup shaped bottom portion of the acetabular joint replacing body is dimensioned to fit over the premended portion 52 of the femur. Lin, col. 2, ll. 58-60. Accordingly, Lin does not teach an implant for the treatment of bone fractures, the implant comprising a main plate element offset from a plate-shaped outrigger element in an assembled state of the implant, the implant further comprising a flexible connection element, wherein the flexible connection element connects the main plate and the outrigger element to treat a bone fracture.

Based at least upon the points presented above, it is Applicant's understanding that the limitations noted above would distinguish over the prior art of record and other art noted by the Examiner during the interview but not cited at the time of the interview. Applicant is concurrently filing a supplemental IDS listing the latter art. Accordingly, Applicant has now formally amended each of claims 35 and 63 as discussed during the interview. At least for the reasons explained, Applicant respectfully submits that claims 35 and 63 are patentable over the cited references. Moreover, since claims 36-53, 56-59, 61-62 and 64 depend from either claim 35 or 63, these claims are also patentable over the cited references.

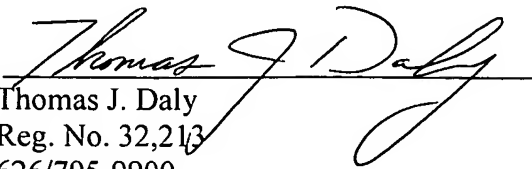
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As amended herein, claim 60 is directed to "[a]n implant for the treatment of bone fractures, the implant comprising a main plate element . . . and a plate-shaped outrigger element . . . wherein, in an assembled state of the implant, the plate-shaped outrigger element is arranged offset from the main plate . . . ; and wherein the outrigger has a base area substantially smaller than that of the main plate." As amended herein, claim 54 is an independent claim containing substantially similar language to amended claim 60 (and to amended claim 35). New claim 66 is an independent claim directed to an implant system, the claim containing substantially similar language to amended claim 60. New claim 65 is an independent claim directed to an implant system, the claim containing substantially similar language to amended claim 60 (and to amended claim 35).

As explained above, Hearn does not teach an implant for the treatment of bone fractures, wherein, in an assembled state of the implant, an outrigger plate element is arranged offset from a main plate. Furthermore, because Hearn is directed to a sternum fixation device, Hearn necessarily teaches that the first and second joining portions 30, 32 have base areas of the same (or approximately the same) size such that they overlap each other in an assembled state of the sternum fixation device. Accordingly, Hearn does not teach an implant for the treatment of bone fractures, wherein the outrigger plate element has a base area substantially smaller than that of the main plate. Rather, Hearn teaches two plates having respective base areas of the same (or approximately the same) size.

At least for the reasons explained, Applicant respectfully submits that independent claims 60, 54, 66 and 65 are patentable over the cited references.

Respectfully submitted,  
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